

2016 LEGAL ASSISTANT CONFERENCE

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Prescott Resort & Conference Center
Prescott, Arizona



OUT OF STATE WITNESS: Everything You wanted to Know but Were Afraid to Ask

Presented By:

ANN PEARSON

Appeals/Extraditions Paralegal

Distributed By:

ARIZONA PROSECUTING ATTORNEYS' ADVISORY COUNCIL

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Phoenix, Arizona 85015

Out of State Witness Requests: Everything You Ever Wanted To Know But Were Afraid To Ask

By Ann Pearson, CP
Paralegal
Maricopa County Attorney's Office
Appeals Bureau

Out of State Witness Request

- What is it?
- Why is it needed?
- What is the governing statute?
- What are the required elements of a request?
- How to request a witness from another state?
- How to process a request for an AZ witness to appear in another state?

What is it?

- The necessary procedure and documents required to legally serve a witness who lives in one state to appear in another state for the purpose of giving testimony in court.
- Used primarily when the witness is reluctant or uncooperative, but can – and should – also be used when the witness is cooperative.

Why is it needed?

- A witness who lives in another state needs to be legally served.
- Just mailing a subpoena is not legally binding.
- This procedure domesticates the subpoena so the witness can be legally served in another state.

What is the governing statute?

*A.R.S. 13-4091 to 13-4096

A.R.S. 13-4091 – 13-4096

- Article 23. Uniform Act To Secure The Attendance Of Witnesses From Without A State In Criminal Proceedings.
- Short Title: Uniform Act (Also known as the Interstate Compact).
- Every state (including the District of Columbia and U.S. Territories) has an identical statute.

A.R.S. 13-4091

- Definitions of "Witness", "State" and "Summons."
- "Witness" includes a person whose testimony is desired in any proceeding or investigation by a grand jury or in a criminal action, prosecution or proceeding.

A.R.S. 13-4092

- Summoning witness who lives in Arizona to testify in another state.
- Some prosecution offices have a designated person to handle these requests; Usually is handled by the Extraditions staff.

A.R.S. 13-4093

- Witness from another state summoned to testify in Arizona.
- Usually a designated attorney and/or paralegal processes these requests. Often someone who handles Extraditions matters.

What Does the Statute Mean?

- Gives the authority to the requesting state to make the request of the state where the witness lives.
- "Under the seal of the court" = Certified Copies (more on this later).

Statutory Language

- The requesting state pays for the travel, lodging and per diem expenses for the witness.
- The witness cannot be forced to stay longer than the dates specified in the request. If the trial is continued, an addendum may suffice for a new date. Check with the other state. (More on this later.)
- Witnesses are to obey this summons as any other summons. They can be punished if they don't appear as ordered without good cause.

Taking a Witness Into Custody

- If the prosecuting attorney wants the witness to be taken into custody in the other state, the request must specifically state this.
- No ambiguous language, i.e. "If the witness does not appear for the proceedings in "X" County, he may be taken into immediate custody."

A.R.S. 13-4094

- A. If a person comes into this state in obedience to a summons directing him to attend and testify in this state he shall not while in this state pursuant to such summons be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before his entrance into this state under the summons.

A.R.S. 13-4094

- B. If a person passes through this state while going to another state in obedience to a summons to attend and testify in that state or while returning therefrom, he shall not while so passing through this state be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before his entrance into this state under the summons.

A.R.S. 13-4094

- Once a witness is ordered to appear in another state to testify, he shall not be subject to arrest or service of civil or criminal process while in that state or while he passes through any other state in obedience to the summons.
- This protects the witness and your attorney's case. It does not mean that the witness will not be arrested or served at a later date.
- Example: If a creditor obtains a civil judgment, the witness can't be served while he is traveling to or in AZ in obedience to your summons. He can be served with the judgment when he gets home.

Elements of a Request

What do you do when you need a witness who lives in another state to appear in your trial?

Witness Needed to Appear in Arizona

- Contact the prosecuting agency in the jurisdiction where the witness lives and ask about their specific requirements.
- Cite the statute for both states in your documents.
- Include what the defendant has been charged with, i.e. murder, child molestation, burglary, etc.
- Why the witness is material, i.e. witness is a victim, an eyewitness to the crime, etc. Just stating he is a material witness is not sufficient.

Witness Needed to Appear in Arizona

- Date of the trial.
- Beginning and ending dates the witness is to appear. Keep it to no more than 3 days. AZ judges will only permit a witness to be away for 3 days to prevent a hardship (5 days if travel time is included).
- Address of the court where the witness will appear.
- Statutory language about travel, lodging and per diem expenses (A.R.S. 13-4093(C)).

Witness Needed to Appear in Arizona

- Statutory language about protection from arrest or service of civil process (A.R.S. 13-4094).
- The petition, affidavit and the judge's certificate must contain all of these elements. The documents should mirror each other.
- The prosecutor's petition and affidavit can be one document, as long as it is sworn and notarized. It resembles an offer of proof.

Witness Needed to Appear in Arizona

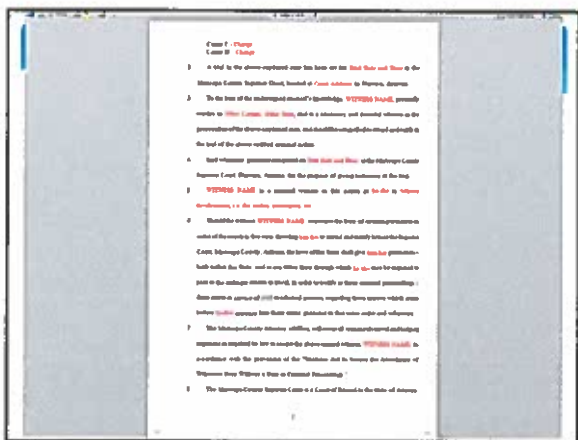
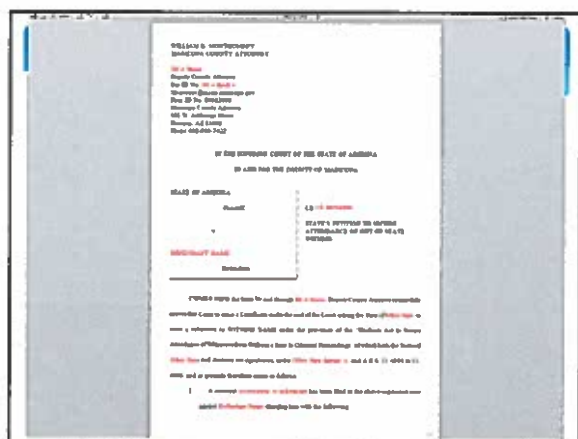
- Pursuant to the statute, the judge's certification must be "under the seal of such court". The certification stamp from the Clerk of the Court's office may contain the seal of the court. Check with your Clerk's office.
- No "exemplification" is necessary for the seal – unless required by the other state.
- At least 2 certified copies of the petition and the judge's certificate will be needed.

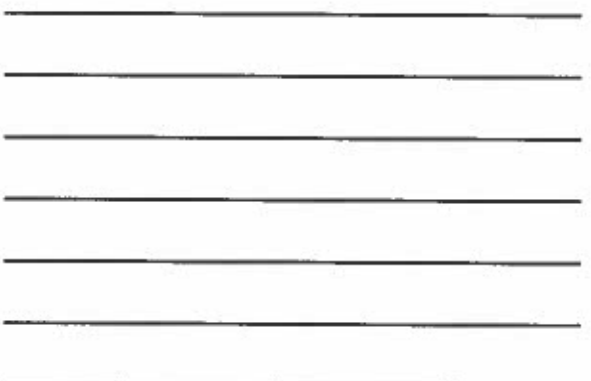
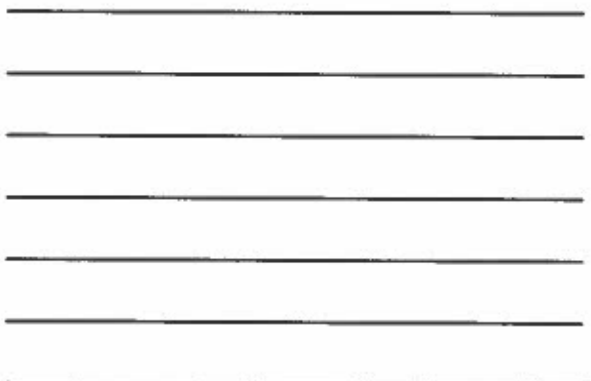
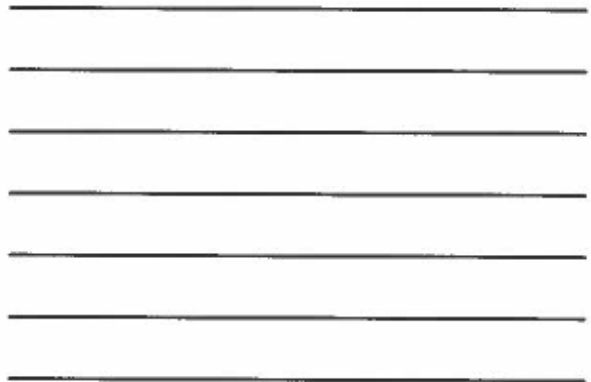
Witness Needed to Appear in Arizona

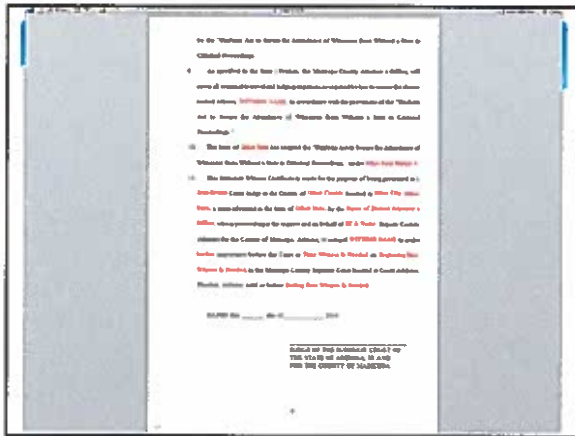
- A letter suitable to give to the witness with instructions on who to contact for travel arrangements.
- Cover letter for the other state with as much info on the witness as possible, i.e. name, address, phone number, DOB, SSN, a photo if you have one, and SIN/FBI numbers if applicable.

Elements Of A Request

* Biographical information should NOT be included in the petition or the certification as it will become part of the public record.







Witness Needed to Appear in Arizona

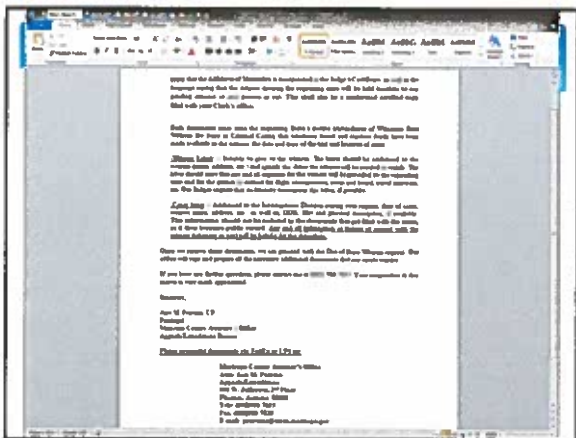
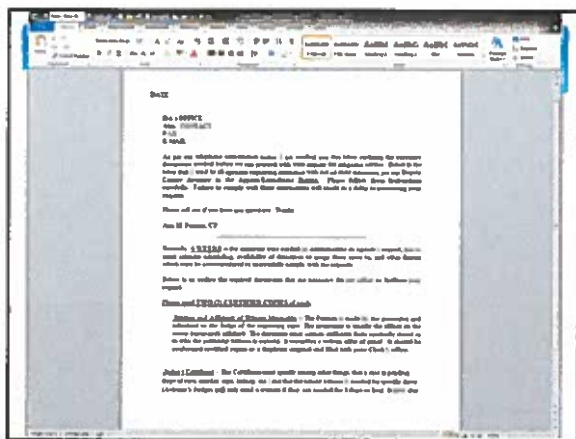
- When in doubt, contact the other state to clarify what they need.
- Offer to e-mail a draft of your documents so they can review them before they are signed by our judge. This will save time later if your documents are not compliant.
- Usually, a minimum of 3 weeks is required to process requests. Last minute requests are not guaranteed. Give the other state as much time as possible.

Processing a Request from Another State

What do you do when you receive a request from another state for a witness who lives in your jurisdiction?

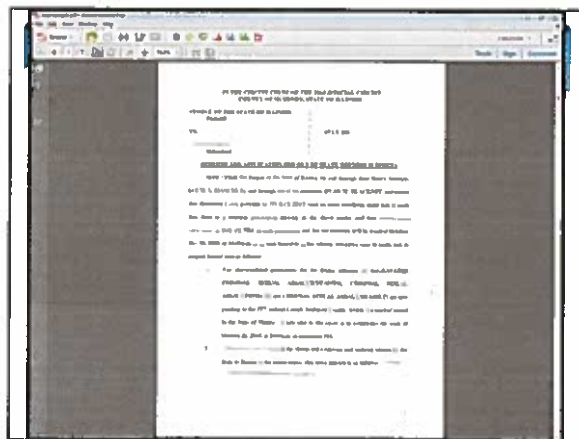
Processing a Request From Another State

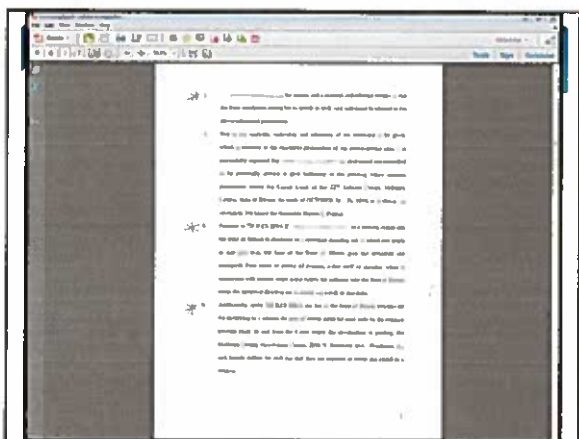
- **Send a letter outlining everything you need from the other state.**

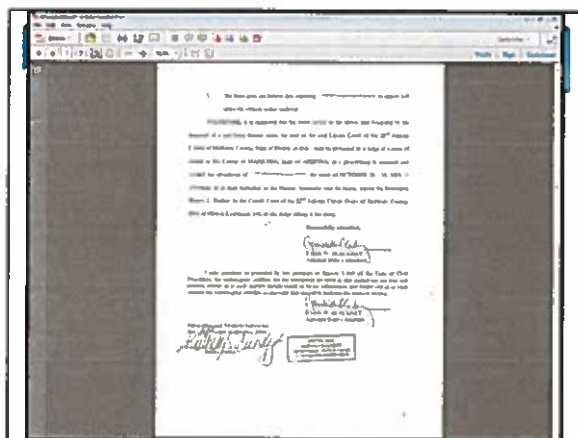


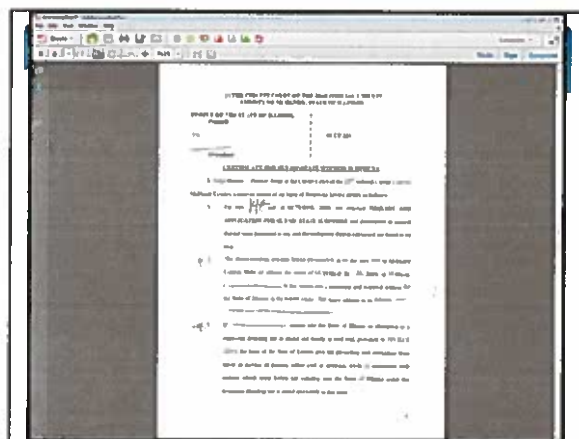
Processing a Request From Another State

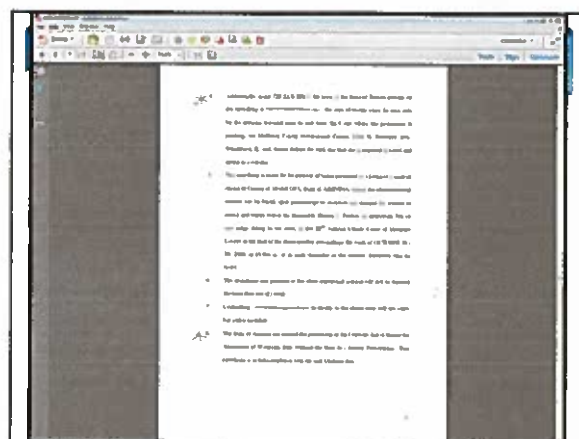
- The DA in the other state sends you his petition, judge's certificate, letters and witness information.
- Make sure all of the statutory language is present.
- Two certified copies of the petition and certificate are needed – one to file with your court, one to keep in your file. You can make photocopies for the witness and judge.

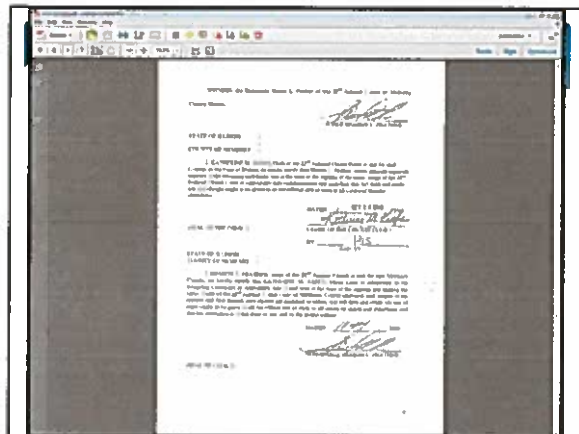


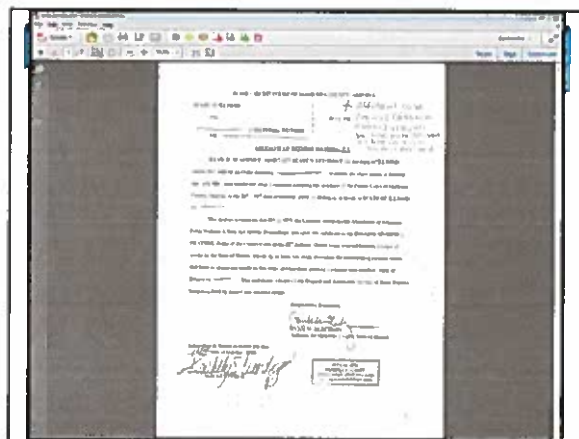












Processing a Request From Another State

- Draft the following documents (See Samples):
 - Petition for Order to Show Cause
 - Order to Show Cause
 - Affidavit of Service of Process
 - Order Directing Witness to Appear and Testify
 - Waiver of Hearing; Agreement to Appear and Notice of Penalty (all one document)
 - Order Directing Witness to Appear and Testify After Waiver of Hearing

STATE OF ARIZONA)
 County of Maricopa)

The undersigned, being first duly sworn, upon oath deposes and says, that he/she is a Deputy County Attorney; that he/she is unmarried and that he/she is the foregoing Petitioner's true and natural father and therefore alleges the cause to be true upon such oath-taking and belief.

Catharine Lamb

Subscribed and sworn to before me this _____ day of _____, 2018.

Henry Public

[illegible]

IN THE SUPREME COURT OF THE STATE OF ARIZONA
DO AND FOR THE FIDELITY OF MARIQUA

THE STATE OF ARIZONA,)
BY THE ATTORNEY GENERAL,)
APPLICATION OF THE STATE)
OF "STATE" FOR AN ORDER)
SUSPENDING ONE)
WITNESS MY HAND) CH. 13, § 5.02(a)
TO APPEAR AS WITNESS BEFORE)
THE J. RICHARD TOWN OF THE STATE)
OF "STATE" (ARIZONA OF "STATE"))
CHIEF TO SHOW CAUSE

WHEREAS upon reading the Certificate of the Honorable Respectfully
Judge, Judge of the Ariz. State, to and for the County of "County", a
Court of Honor of the State of "State"

and

IT APPEARS that the above named WITNESS RALPH, whose
signature is required to "by" "State" is a necessary and proper witness to a case

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

THE STATE OF ARIZONA)
VS THE MATTER OF THE)
APPEAL FROM THE STATE)
OF "STATE" FIRM AN ORDER)
REQUIRING ONE)
)
WITNESS TO LAY) CR LE HANKE R

TO APPEAR AS WITNESS BEFORE)
THE SUBDUCTION OF THE STATE)
OF "STATE" COUNTY OF "CANTY")

STATE OF ARIZONA)
County of Maricopa)

_____ being

I, first duly sworn as oath, depose:

That I am duly qualified to serve process in the above, having been so designated by statute.

That on or about _____, 2014, I received

IN AND FOR THE COUNTY OF MARICOPA

THE STATE OF ARIZONA)
IN THE MATTER OF THE)
APPLICATION OF THE STATE)
OF "STATE" FOR AN ORDER)
REQUIRING ONE)

WITNESS MY HAND) CR 23 JUL 2018

TO APPEAR AS WITNESS BEFORE) ORDER DATED THIS
THE JUDGES OF THE STATE) TO APPEAR AND TESTIFY
OF "STATE" COUNTY (IN "CITY")) IN "COUNTY" COUNTY, "STATE"
_____)

WHEREAS, IT APPEARED in the submission of the most that
WITNESS KALIK, is a person and natural person for the State of "State" in
Can Do case 4, entitled "Case 2018".

NOW THEREFORE IT IS HEREBY ORDERED AND DIRECTED
that the WITNESS KALIK, appear before the Judges of the State of "State", in
and for the County of "County" located in the Court Location, Court Address, in the

[illegible]

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

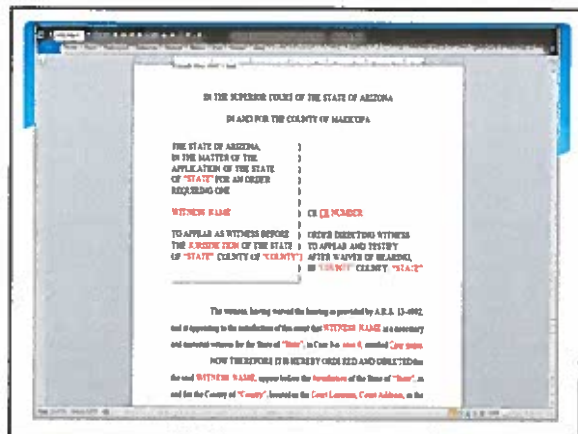
THE STATE OF ARIZONA,)
BY THE ATTORNEY AT LAW,)
APPLICATION OF THE STATE)
OF "STATE" FOR A WRIT)
RELIEVING OF)

WITTING NAME) CB NUMBER
TO APPEAR AS WITNESS BEFORE)
THE PROSECUTION OF THE STATE) AGREEMENT TO APPEAR AND
OF "STATE" COUNTY OF "STATE") NOTICE OF FINALITY.

WARRANT OF ARREST

The undersigned lawfully served with an Order (Plethora) When Cause to
arrest a hearing to be held on the day of the
A.M. at the Maricopa County Superior Court, Level Court Location,
Phoenix, Arizona, for the purpose of determining whether the undersigned should be
ordered to appear and testify before the introduction of the State of "State", County of

[illegible]



Processing a Request From Another State

- Obtain a Criminal case number from the Clerk's office (so you can file your documents with the court).
- Set a Show Cause hearing with your judge - no later than two business days before the witness is needed in the other state.
- Attach one of the certified copies of the other state's petition to the back your Petition for OSC. File it with your court. Get two certified copies of the Petition for OSC.

Processing a Request From Another State

- Give one of the certified copies of your Petition for OSC to your judge, and have him sign the Order to Show Cause.
- As a courtesy, provide a photocopy of the other state's petition and certificate to your judge for his reference.
- After the judge signs the OSC, make two copies of the order - one for your file, one for the witness. The original will get filed with your court after the entire process is complete.

Processing a Request From Another State

- Assemble a packet for the detective/process server:
 - 1) Photocopy of the petition and certificate from the other state stapled to the back of the photocopy of the OSC
 - 2) Waiver of Hearing; Agreement to Appear and Notice of Penalty (all one form). Have the witness sign in both places on the form
 - 3) Order Directing Witness to Appear and Testify After Waiver of Hearing

Processing a Request From Another State

- What happens when the witness is served?
- Have the detective/process server fill out the Affidavit of Service of Process.
- One of two things will occur:
 - 1) The witness will be cooperative and willing to go back to the other state to testify, or
 - 2) The witness will be uncooperative and unwilling to go back.

Processing a Request From Another State

What if the witness is cooperative and willing to return to the other state to testify?

Processing a Request From Another State

- Witness will sign the waiver.
- Judge signs the Order Directing Witness to Appear and Testify After Waiver of Hearing. Have the witness served with this Order and the letter from the other state.
- Vacate the hearing.

Processing a Request From Another State

What if the witness does NOT want to return to the other state to testify?

Processing a Request From Another State

- The witness should not sign the waiver if he is reluctant to testify.
- Detective/process server tells him he must appear at the OSC hearing to tell the judge why he does not want to go back to the other state. The date, time and location of the OSC hearing is in the Order to Show Cause.

Processing a Request From Another State

- At the hearing, if the witness does not give the court a compelling reason, then he is ordered to return to the other state to testify.
- Judge will sign the Order in open court, the witness is given a certified copy of the order at the hearing. (Make extra copies of the Order ahead of time.)
- Once ordered to return to the other state (whether he waives or not), the witness should contact the other state for travel arrangements.

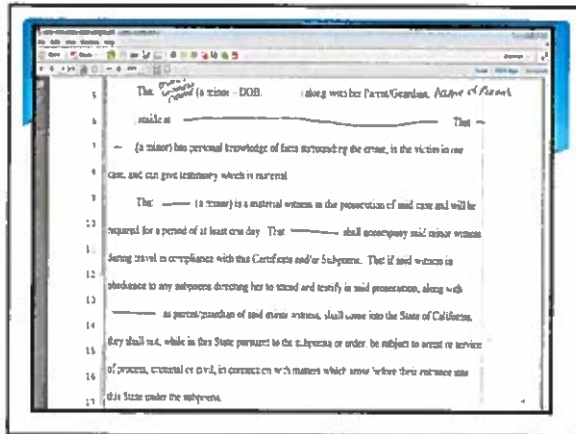
Processing a Request From Another State

The witness has been ordered to return to the other state to testify (either by the judge at the hearing or by signing the waiver).

Now what do you do?

Processing a Request From Another State

- Make two copies of the Affidavit of Service, Waiver (if signed), and whichever version of the Order Directing was used.
- Send one set of copies of your documents to the other state – Petition, OSC, Affidavit of Service, Waiver (if signed), Order Directing Witness to Appear - either by mail or scan and e-mail).
- Keep one set in your file.
- Close out your file.



Witness in Custody?

- If the witness is in jail or prison in a facility in your county:
 - Draft a Petition and Writ of Habeas Corpus Ad Testificandum
 - Have judge sign the Writ
 - Serve the appropriate person at the facility
 - No need for a hearing

Witness in Custody?

- The requesting state arranges for transportation of the witness/inmate.
- The documents from the other state should specify that their law enforcement will
 - pick up the witness,
 - keep the witness in custody,
 - and return the witness to the AZ DOC when testimony is completed.

Witness in Custody?

- If the witness is in your county jail, contact the jail to see if someone is assigned to handle these issues.
- If the witness is in ADOC in a facility in your county, contact Mr. Kelly Dudley, ADOC Legal Liaison, at 602-542-4703, or kdudley@azcorrections.gov.
- Use the same "Writ" forms for both jail and ADOC.

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

THE STATE OF ARIZONA
Plaintiff
vs.
DEFENDANT NAME
Defendant

STATE OF ARIZONA
COUNTY OF MARICOPA
JUDGE NAME

The State of Arizona petitions the Court for a Writ of Habeas Corpus of Justification
returning WITNESS NAME, for

1. On DATE DEFENDANT NAME AS CHARGED, DEFENDANT NAME was charged
by indictment, filed in the Superior Court, Maricopa County, Arizona, at CE NUMBER and the
return of all FIDELITY.

2. On DATE OF FIDELITY, a writ of FIDELITY was to be held
before the Honorable JUDGE NAME, in the NAME OF COURT BUILDING, COURT
ADDRESS, COUNTY OF MARICOPA, Phoenix, Maricopa County, Arizona.

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

THE STATE OF ARIZONA
Plaintiff
vs.
DEFENDANT NAME
Defendant

STATE OF ARIZONA
COUNTY OF MARICOPA
JUDGE NAME

The State of Arizona petitions the Court for a Writ of Habeas Corpus of Justification
returning WITNESS NAME, for

1. On DATE DEFENDANT NAME AS CHARGED, DEFENDANT NAME was charged
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return of all FIDELITY.

2. On DATE OF FIDELITY, a writ of FIDELITY was to be held
before the Honorable JUDGE NAME, in the NAME OF COURT BUILDING, COURT
ADDRESS, COUNTY OF MARICOPA, Phoenix, Maricopa County, Arizona.

IN THE SUPREME COURT OF THE STATE OF ARIZONA
SH AND FOR THE COUNTY OF MARICOPA

THE STATE OF ARIZONA,

Plaintiff,

vs.

DEFENDANT NAME,

Defendant.

CH MEMBERS

WITTS OF MARICOPA COUNTY
AND JUSTICE GARLAND

The State of Arizona do hereby certify that:

NAME OF CONSTITUTIONAL INSTITUTION as the location of the NAME OF FACILITY said to Joseph A. Aragon, Sheriff of Maricopa County, Arizona, at his deputy Joseph A. Aragon, Sheriff of Maricopa County as joint-deputy who under oath to bring WITHIN NAME before the COURTHOUSE BENCH'S NAME, in the NAME OF CIVIL BUILDING CHAIRS ARIZONA, CORPORATION A Plaintiff, Maricopa County, Arizona, he is under OATHS OF FIDELITY, a TRUST OF FIDELITY, WITNESS NAME document the custody of the Sheriff of Maricopa County until such time as completed. Therefore WITHIN NAME is so returned in the Witness, NAME OF FACILITY

Civil Matters?

- What if someone calls you about serving an out-of-state witness in a civil matter?
- A.R.S. Rules of Civil Procedure, Rule 45.1
- Refer to the Clerk's office in your county for specific instructions.

QUESTIONS?

Call or E-mail Ann Pearson
Office: 602-506-7422
Email: pearsona@mcdo.maricopa.gov

WILLIAM G. MONTGOMERY
MARICOPA COUNTY ATTORNEY

Deputy County Attorney Name
Deputy County Attorney
Bar ID No. Bar #
Mcaoexec@mcao.maricopa.gov
Firm ID No. 00032000
Maricopa County Attorney
301 W. Jefferson, 2nd Floor
Phoenix, AZ 85003
Phone 602-506-7422

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

THE STATE OF ARIZONA,)	
IN THE MATTER OF THE)	
APPLICATION OF THE STATE)	
OF "STATE" FOR AN ORDER)	
REQUIRING ONE)	
)	
WITNESS NAME)	CR CR NUMBER
)	
TO APPEAR AS WITNESS BEFORE)	PETITION FOR ORDER
THE JURISDICTION OF THE STATE)	TO SHOW CAUSE
OF "STATE", COUNTY OF "COUNTY")	
_____)	

COMES NOW, WILLIAM G. MONTGOMERY, Maricopa County Attorney, by and through his Deputy undersigned and alleges as follows:

That on or about the DATE RECEIVED day of MONTH RECEIVED, 2016 this office received a request from the Jurisdiction, State of "State", in and for the County of "County", that witness WITNESS NAME, is a necessary witness in the

matter of the Case name Case No. case #.

WHEREFORE, your Petitioner prays:

That the Court enter its order requiring witness, **WITNESS NAME**,
appear before it and then and there show cause, if any **he/she** may have:

Why **he/she** should not return to "City", "State".

DATED this _____ day of _____, 2016

WILLIAM G. MONTGOMERY
MARICOPA COUNTY ATTORNEY

BY _____
Deputy County Attorney Name
DEPUTY COUNTY ATTORNEY

)

)

)

Deputy County Attorney Name

Notary Public

3

Phone 602-506-7422

IT APPEARING that the above named **WITNESS NAME**, whose attendance is required in **"City"**, **"State"**, is a necessary and material witness to a cause

now pending before the **Jurisdiction** of the State of "**State**", County of "**County**".

NOW THEREFORE IT IS HEREBY ORDERED AND DIRECTED that the said **WITNESS NAME** appear before the Honorable **Local Judge**, Judge of the Superior Court of the State of Arizona, in and for the County of Maricopa, at **Local Court Location**, Phoenix, Arizona, on the _____ day of _____, 2016, at _____ A.M., and show cause why a Subpoena should not be issued as requested in the said Certificate filed herein, pursuant to the provisions of **Requesting State Statute #**, entitled Uniform Law to Secure the Attendance Of Witnesses from Without a State in Criminal Proceedings, reciprocal in its terms with the like statute of this State; ARS 13-4091 to 13-4096; and that;

IT IS FURTHER ORDERED that service of this Order to Show Cause by personal service on the said witness on or before the _____ day of _____, 2016, shall be sufficient notice.

FURTHERMORE, failure without good cause to appear as directed may subject the said witness to citation for contempt of court and, if convicted, imprisonment and/or a fine.

DATED this _____ day of _____, 2016.

JUDGE OF THE SUPERIOR COURT OF
THE STATE OF ARIZONA, IN AND
FOR THE COUNTY OF MARICOPA

WILLIAM G. MONTGOMERY
MARICOPA COUNTY ATTORNEY

Deputy County Attorney Name
Deputy County Attorney
Bar ID No. Bar #
Mcaoexec@mcao.maricopa.gov
Firm ID No. 00032000
Maricopa County Attorney
301 W. Jefferson, 2nd Floor
Phoenix, AZ 85003
Phone 602-506-7422

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

THE STATE OF ARIZONA,
IN THE MATTER OF THE
APPLICATION OF THE STATE
OF "STATE" FOR AN ORDER
REQUIRING ONE

WITNESS NAME

TO APPEAR AS WITNESS BEFORE
THE JURISDICTION, OF THE STATE
OF "STATE", COUNTY OF "COUNTY")

CR CR NUMBER

AFFIDAVIT OF SERVICE
OF PROCESS

STATE OF ARIZONA

County of Maricopa

I, _____, being
first duly sworn on oath, states:

That I am fully qualified to serve process in this cause, having been so
designated by statute;

That on the _____ day of _____, 2016, I received

from **Requesting District Attorney**, Deputy District Attorney for "**County**" County, "**State**", for service upon a witness residing in Maricopa County, Arizona, an Application for Criminal Subpoena and the Certificate for the attendance of an out-of-state witness of the Honorable **Requesting Judge**, Judge of the **Jurisdiction**, of the State of "**State**", in and for the County of "**County**", in the case of **Case name**, Case No. **case #**.

That thereupon the Honorable **Local Judge**, Judge of the Superior Court of the State of Arizona, in and for the County of Maricopa, did issue an Order to Show Cause to be served upon the said **WITNESS NAME**.

That the affiant, served a copy of the Application for Criminal Subpoena and a copy of the Certificate for the attendance of an out-of-state witness of the Honorable **Requesting Judge**, Judge of the **Jurisdiction**, in the case of the **Case name**, along with a copy of the Order to Show Cause in the above entitled and numbered cause on **WITNESS NAME**, whose true name is **WITNESS NAME**, in person at _

_____, on the _____ day of _____
_____, 2016, at _____ O'clock [(A.M.) (P.M.)].

Detective

Subscribed and sworn to before me this _____ day of _____,
2016.

Notary Public

Seal

WILLIAM G. MONTGOMERY
MARICOPA COUNTY ATTORNEY

Deputy County Attorney Name

Deputy County Attorney

Bar ID No. Bar #

Mcaoexec@mcao.maricopa.gov

Firm ID No. 00032000

Maricopa County Attorney

301 W. Jefferson, 2nd Floor

Phoenix, AZ 85003

Phone 602-506-7422

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

THE STATE OF ARIZONA,
IN THE MATTER OF THE
APPLICATION OF THE STATE
OF "STATE" FOR AN ORDER
REQUIRING ONE

WITNESS NAME

CR CR NUMBER

TO APPEAR AS WITNESS BEFORE
THE JURISDICTION OF THE STATE
OF "STATE", COUNTY OF "COUNTY"

ORDER DIRECTING WITNESS

TO APPEAR AND TESTIFY

IN "COUNTY" COUNTY, "STATE"

WHEREAS, IT APPEARING to the satisfaction of this court that **WITNESS NAME**, is a necessary and material witness for the State of “**State**”, in Case No. **case #**, entitled **Case name**.

NOW THEREFORE IT IS HEREBY ORDERED AND DIRECTED that the said **WITNESS NAME**, appear before the **Jurisdiction** of the State of “**State**”, in and for the County of “**County**”, located in the **Court Location, Court Address**, in the

City of "City", "State", on or about the Date day of Month, 2016 at TIME., for approximately number of days written (#) days, and tender his/her presence as witness for the State of "State" in the above stated cause.

FURTHERMORE, failure without good cause to appear as directed may subject the said witness to citation for contempt of court and, if convicted, imprisonment and/or a fine.

DATED this _____ day of _____, 2016.

JUDGE OF THE SUPERIOR COURT OF
THE STATE OF ARIZONA, IN AND
FOR THE COUNTY OF MARICOPA

WILLIAM G. MONTGOMERY
MARICOPA COUNTY ATTORNEY

Deputy County Attorney Name

Deputy County Attorney

Bar ID No. Bar #

Mcaoexec@mcao.maricopa.gov

Firm ID No. 00032000

Maricopa County Attorney

301 W. Jefferson, 2nd Floor

Phoenix, AZ 85003

Phone 602-506-7422

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

THE STATE OF ARIZONA,
IN THE MATTER OF THE
APPLICATION OF THE STATE
OF "STATE" FOR AN ORDER
REQUIRING ONE

WITNESS NAME

TO APPEAR AS WITNESS BEFORE
THE JURISDICTION OF THE STATE
OF "STATE", COUNTY OF "COUNTY"

CR CR NUMBER

WAIVER OF HEARING
AGREEMENT TO APPEAR AND
NOTICE OF PENALTY

WAIVER OF HEARING

The undersigned has been served with an Order (Order to Show Cause) to attend a hearing to be held on the _____ day of _____, 2016, at _____ A.M. at the Maricopa County Superior Court, Local Court Location, Phoenix, Arizona, for the purpose of determining whether the undersigned should be ordered to appear and testify before the Jurisdiction of the State of "State", County of

"County", as a witness for the State in the case of the Case name, Case No. case #, for approximately number of days written (#) days.

The undersigned, having reviewed the Order and understanding the same, hereby waives the hearing in the Maricopa County Superior Court as specified above.

Dated this _____ day of _____, 2016.

WITNESS NAME

AGREEMENT TO APPEAR; NOTICE OF PENALTY

The undersigned, having waived the above hearing, hereby acknowledges receipt of the court's order directing the undersigned to appear and testify before the Jurisdiction of the State of "State", County of "County", and agrees to fully comply with this Order.

The undersigned also acknowledges and agrees that necessary travel and expense funds have been made available to the undersigned, that failure without good cause to appear and testify as directed may subject the undersigned to citation for contempt of court and, if convicted, imprisonment and/or a fine.

Dated this _____ day of _____, 2016.

WITNESS NAME

WILLIAM G. MONTGOMERY
MARICOPA COUNTY ATTORNEY

Deputy County Attorney Name

Deputy County Attorney

Bar ID No. Bar #

Mcaoexec@mcao.maricopa.gov

Firm ID No. 00032000

Maricopa County Attorney

301 W. Jefferson, 2nd Floor

Phoenix, AZ 85003

Phone 602-506-7422

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

THE STATE OF ARIZONA,
IN THE MATTER OF THE
APPLICATION OF THE STATE
OF "STATE" FOR AN ORDER
REQUIRING ONE

WITNESS NAME

TO APPEAR AS WITNESS BEFORE
THE JURISDICTION OF THE STATE
OF "STATE", COUNTY OF "COUNTY"

CR CR NUMBER

ORDER DIRECTING WITNESS
TO APPEAR AND TESTIFY
AFTER WAIVER OF HEARING,
IN "COUNTY" COUNTY, "STATE"

The witness, having waived the hearing as provided by A.R.S. 13-4092,
and it appearing to the satisfaction of this court that **WITNESS NAME** is a necessary
and material witness for the State of "State", in Case No. case #, entitled Case name.

NOW THEREFORE IT IS HEREBY ORDERED AND DIRECTED that
the said **WITNESS NAME**, appear before the Jurisdiction of the State of "State", in
and for the County of "County", located in the Court Location, Court Address, in the

City of "City", "State", on or about the Day day of Month, 2016 at TIME., for approximately number of days written (#) days, and tender his/her presence as witness for the State of "State" in the above stated cause.

FURTHERMORE, failure without good cause to appear as directed may subject the said witness to citation for contempt of court and, if convicted, imprisonment and/or a fine.

DATED this _____ day of _____, 2016

JUDGE OF THE SUPERIOR COURT OF
THE STATE OF ARIZONA, IN AND
FOR THE COUNTY OF MARICOPA

WILLIAM G. MONTGOMERY
MARICOPA COUNTY ATTORNEY

DCA NAME

Deputy County Attorney

Bar Id #: **DCA BAR #**

E-MAIL ADDRESS

301 W. Jefferson Street

Phoenix, AZ 85003

Telephone: (602) **PHONE NUMBER**

MCAO Firm #: 00032000

Attorney for Plaintiff

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

THE STATE OF ARIZONA,

Plaintiff,

vs.

DEFENDANT NAME,

Defendant.

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CR NUMBER

)

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STATE'S PETITION FOR WRIT
OF HABEAS CORPUS AD
TESTIFICANDUM

The State of Arizona petitions this Court for a Writ of Habeas Corpus ad Testificandum securing **WITNESS NAME**, for:

1. On **DATE DEFENDANT WAS CHARGED**, **DEFENDANT NAME** was charged by Indictment, filed in the Superior Court, Maricopa County, Arizona, in **CR NUMBER** with the crime(s) of **CHARGES**.

2. On **DATE OF TRIAL** at **TIME OF TRIAL**, a trial in **CR NUMBER** will be held before the Honorable **JUDGE'S NAME**, in the **NAME OF COURT BUILDING**, **COURT ADDRESS**, **COURTROOM #**, Phoenix, Maricopa County, Arizona.

3. WITNESS NAME, BOOKING # is a victim and a necessary witness for the prosecution of CR NUMBER.

4. WITNESS NAME is in the custody of NAME OF CORRECTIONAL INSTITUTION and confined in the NAME OF FACILITY.

It is requested that a Writ of Habeas Corpus ad Testificandum be issued to the NAME OF CORRECTIONAL INSTITUTION, to the Warden of The NAME OF FACILITY, and to the Sheriff of Maricopa County, or his deputy, to have WITNESS NAME presented before the Honorable JUDGE'S NAME, on DATE OF TRIAL at TIME OF TRIAL, for a trial in CR NUMBER, and to keep WITNESS NAME in custody and available for all court proceedings until adjudication is completed. Then return WITNESS NAME to his previous place of detention.

Submitted April __, 2016.

WILLIAM G. MONTGOMERY
MARICOPA COUNTY ATTORNEY

BY _____
DCA NAME
Deputy County Attorney

Re: State v. **DEFENDANT NAME**

AFFIDAVIT

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

I, DCA NAME, as a Deputy County Attorney of Maricopa County, Arizona, swear:

That I have read the Petition for Writ of Habeas Corpus Ad Testificandum and know its contents.

That the facts contained are true to the best of my knowledge, information and belief.

DCA NAME
Deputy County Attorney

Subscribed and sworn to before me April __, 2016.

Notary Public

My Commission Expires:

DCA NAME
Deputy County Attorney
Bar Id #: DCA BAR #
301 West Jefferson, 4th Floor
Phoenix, AZ 85003
Telephone: (602) 506-5780
E-MAIL ADDRESS
MCAO Firm #: 00032000
Attorney for Plaintiff

THE STATE OF ARIZONA,
Plaintiff,

DEFENDANT NAME,

Defendant.

CR NUMBER

ORDER DIRECTING CLERK OF COURT
TO ISSUE WRIT OF HABEAS CORPUS AD
TESTIFICANDUM

On Petition of the State of Arizona for a Writ of Habeas Corpus ad Testificandum:

It is ordered that the Clerk of this Court issue a Writ of Habeas Corpus ad Testificandum to the **NAME OF CORRECTIONAL INSTITUTION**, to the Warden of the **NAME OF FACILITY**, and to the Sheriff of Maricopa County, or his deputy, ordering him to have **WITNESS NAME** presented before the Honorable **JUDGE'S NAME**, in the **NAME OF COURT BUILDING, COURT ADDRESS, COURTROOM #**, Phoenix, Maricopa County, Arizona, on **DATE OF TRIAL**, at **TIME OF TRIAL**, for a trial in **CR NUMBER**. To keep **WITNESS NAME** in custody and available for all proceedings

until final judicial disposition is completed. Upon completion of CR NUMBER return him to wherever he should be confined.

DONE IN OPEN COURT April __, 2016.

JUDGE OF THE SUPERIOR COURT

WILLIAM G. MONTGOMERY
MARICOPA COUNTY ATTORNEY

Catherine Leisch
Deputy County Attorney
Bar Id #: DCA BAR #
301 West Jefferson, 4th Floor
Phoenix, AZ 85003
Telephone: (602) 506-5780
E-MAIL ADDRESS
MCAO Firm #: 00032000
Attorney for Plaintiff

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

THE STATE OF ARIZONA,

Plaintiff,

vs.

DEFENDANT NAME,

Defendant.

CR NUMBER

WRIT OF HABEAS CORPUS
AD TESTIFICANDUM

The State of Arizona, to:

NAME OF CORRECTIONAL INSTITUTION, to the Warden of the **NAME OF FACILITY**;
and to Joseph A. Arpaio, Sheriff of Maricopa County, Arizona, or his deputy.

Joseph A. Arpaio, Sheriff of Maricopa County, or your deputy, are under order to bring **WITNESS NAME** before the Honorable **JUDGE'S NAME**, in the **NAME OF COURT BUILDING**, **COURT ADDRESS**, **COURTROOM #**, Phoenix, Maricopa County, Arizona, for a trial on **DATE OF TRIAL**, at **TIME OF TRIAL**, **WITNESS NAME** to remain in the custody of the Sheriff of Maricopa County until all proceedings are completed. Thereafter **WITNESS NAME** is to be returned to the Warden, **NAME OF FACILITY**.

Expenses incurred in complying with this Order shall be paid by the Maricopa County Attorney's Office upon receipt of a claim from the **NAME OF FACILITY**.

WITNESS the Honorable **JUDGE'S NAME**, Presiding Criminal Judge of the Superior Court of the State of Arizona, in and for the County of Maricopa and the Seal of the Court April __, 2016.

Judge of the Superior Court

I, Michael K. Jeanes, the duly elected Clerk of the Superior Court of the State of Arizona, in and for the County of Maricopa, having official custody of the Court's records, do hereby certify and attest the foregoing to be a full, true and correct copy of the original on file and of record in my office, and I have carefully compared the same with the original, all of which I have caused to be authenticated according to the act of Congress (28 USC, Sec. 1738) and the Arizona Rules of Evidence.

MICHAEL K. JEANES
CLERK OF THE SUPERIOR COURT

Deputy Clerk

WITNESS: **WITNESS NAME**
DATE OF BIRTH: **DOB**
PRISONER NO: **BOOKING #**

DA NAME
District Attorney
COUNTY County
CITY, STATE, ZIP
Phone (xxx) xxx-xxxx

**SUPERIOR COURT OF THE STATE OF STATE
FOR THE COUNTY OF COUNTY**

PLAINTIFF,)	NO. CASE NUMBER
)	
)	
vs.)	ADDENDUM TO DECLARATION IN SUPPORT OF CERTIFICATE
)	
DEFENDNANT)	
)	
)	
Defendant.)	

I, DA NAME, Deputy District Attorney, DO HEREBY DECLARE:

1. That there is presently pending in the Superior Court of the State of State, in and for the County of County, a felony criminal action entitled the xxxxx v. xxxxx the charges are xxxxxxxxxxxxxxxxx, in violation of Section xxxxx of the Penal Code.

2. That xxxxx xxxxx, , who resides at xxxxx , xxxxx, Arizona xxxxx is a necessary and material witness in said action;

3. That the former appearance date of xxxxxxxx for xxxxx and xxxxx has been changed and the new date is xxxxxxxxxx, for xxx days, including travel time;

4. That the presence of xxxxx will be required in the County of xxxxxxxx on xxxxxxxxxx;

5. That under Section xxxxx of the Penal Code of the State of xxxxxxx, the said xxxxx who is ordered to appear and testify in the County of xxxxxxxx, shall not be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before their entrance into this state under subpoena.

Executed this xx day of xxxxxxxxxx, 2013.

I declare under penalty of perjury that the foregoing is true and correct.

Xxxxx xxxxxxxxx

Deputy District Attorney

IN THE CIRCUIT COURT OF THE 22nd JUDICIAL CIRCUIT
COUNTY OF MCHENRY, STATE OF ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,
Plaintiff

VS.

Defendant

)
)
)
)
)
)
)

07 CF 224

REQUEST AND APPLICATION FOR OUT OF STATE WITNESS SUBPOENA

NOW COME the People of the State of Illinois, by and through their State's Attorney, LOUIS A. BIANCHI, by and through one of his assistants, RYAN W. BLACKNEY, and moves this Honorable Court, pursuant to 725 ILCS 220/2 enter an order certifying under seal of court that there is a criminal prosecution pending in the above matter and that _____ is THE VICTIM, in such prosecution and that her presence will be required October 26 - 30, 2009, at 10:00a.m. or as soon thereafter as the witness' testimony may be heard, and, in support thereof state as follows:

1. The above-entitled prosecution for the felony offenses of AGGRAVATED CRIMINAL SEXUAL ASSAULT(WEPON), CRIMINAL SEXUAL ASSAULT(FORCE), and CRIMINAL SEXUAL ASSAULT(FAMILY) are now pending in the 22nd Judicial Circuit, McHenry County, which is a court of record in the State of Illinois. A jury trial in this cause is to commence the week of October 26, 2009, at 10:00a.m. in courtroom 304.
2. _____ is the victim and a relevant and material witness for the State of Illinois in the instant cause. Her home address is as follows: _____

* 3. _____ is the victim, and a material and relevant witness in that the State anticipates calling her to testify at trial; said testimony is relevant to the above-referenced prosecution.

4. Due to the necessity, materiality and relevancy of the testimony to be given, which is essential to the successful prosecution of the above-entitled case, it is respectfully requested that _____ be summoned and compelled to be personally present to give testimony at the pending felony criminal prosecution before the Circuit Court of the 22nd Judicial Circuit, McHenry County, State of Illinois, the week of OCTOBER 26 - 30, 2009, at 10:00a.m., in courtroom 304 before the Honorable Sharon L. Prather.

* 5. Pursuant to 725 ILCS 220/4, if _____, as a witness, comes into the State of Illinois in obedience to a summons directing her to attend and testify at said jury trial, the laws of the State of Illinois give her protection and exemption from arrest or service of process, either civil or criminal, while in connection with matters which arose before her entrance into the State of Illinois under the summons directing her to attend and testify in this state.

* 6. Additionally, under 725 ILCS 220/3, the law of the State of Illinois provides for the furnishing to a witness the sum of twenty cents for each mile by the ordinary traveled route to and from the Court where the prosecution is pending, the McHenry County Government Center, 2200 N. Seminary Ave., Woodstock, IL, and, twenty dollars for each day that they are required to travel and attend as a witness.

7. The State does not believe that requiring _____ to appear will cause the witness undue hardship.

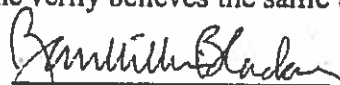
WHEREFORE, it is requested that the court certify to the above and foregoing by the issuance of a certificate thereto under the seal of the said Circuit Court of the 22nd Judicial Circuit of McHenry County, State of Illinois, so that it may be presented to a judge of a court of record in the County of MARICOPA, State of ARIZONA, in a proceeding to summon and compel the attendance of _____ the week of OCTOBER 26 - 30, 2009, at 10:00a.m. or as soon thereafter as the witness' testimony may be heard, before the Honorable Sharon L. Prather, in the Circuit Court of the 22nd Judicial Circuit Court of McHenry County, State of Illinois, Courtroom 304, or any Judge sitting in her stead.

Respectfully submitted,



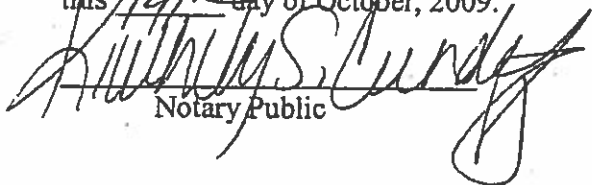
RYAN W. BLACKNEY
Assistant State's Attorney

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to such matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she verily believes the same to be true.

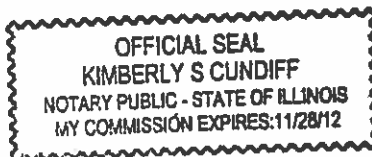


RYAN W. BLACKNEY
Assistant State's Attorney

Subscribed and Sworn to before me
this 27th day of October, 2009.



Notary Public



IN THE CIRCUIT COURT OF THE 22nd JUDICIAL CIRCUIT
COUNTY OF MCHENRY, STATE OF ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,
Plaintiff

VS.

Defendant

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)
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)
)

07 CF 224

CERTIFICATE FOR OUT-OF-STATE WITNESS SUBPOENA

I, Judge Sharon L. Prather, Judge of the Circuit Court of the 22nd Judicial Circuit Court of McHenry County, a court of record of the State of Illinois do hereby certify as follows:

1. On this 14th day of OCTOBER, 2009, the attached REQUEST AND APPLICATION FOR OUT OF STATE SUBPOENA and declaration in support thereof were presented to me, and the recitations therein contained are found to be true.

* 2. The above-pending criminal felony prosecution is set for jury trial in McHenry County, State of Illinois, the week of OCTOBER 26 - 30, 2009, at 10:00a.m.
_____ is the victim and a necessary and material witness for the State of Illinois in the instant cause. Her home address is as follows: _____

* 3. If _____ comes into the State of Illinois in obedience to a summons directing her to attend and testify at said trial, pursuant to 725 ILCS 220/4, the laws of the State of Illinois give her protection and exemption from arrest or service of process, either civil or criminal, while in connection with matters which arose before her entering into the State of Illinois under the summons directing her to attend and testify in this state.

* 4. Additionally, under 725 ILCS 220/3, the laws of the State of Illinois provide for the furnishing to _____ the sum of twenty cents for each mile by the ordinary traveled route to and from the Court where the prosecution is pending, the McHenry County Government Center, 2200 N. Seminary Ave., Woodstock, IL, and, twenty dollars for each day that she is required to travel and attend as a witness.

5. This certificate is made for the purpose of being presented to a judge of a court of record of County of MARICOPA, State of ARIZONA, where the aforementioned witness can be found, upon proceedings to summon and compel the witness to attend and testify before the Honorable Sharon L. Prather, in courtroom 304, or any judge sitting in her stead, in the 22nd Judicial Circuit Court of McHenry County in the trial of the above-entitled proceedings the week of OCTOBER 26 - 30, 2009, at 10:00a.m., or as soon thereafter as the witness' testimony may be heard.

6. The attendance and presence of the afore-mentioned witness will not be required for more than one (1) week.

7. Compelling _____ to testify in the above case will not cause her undue hardship.

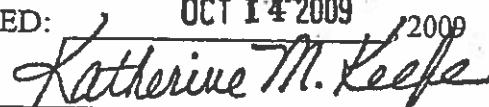
* 8. The State of Arizona has adopted the provisions of the Uniform Act to Secure the Attendance of Witnesses from Without the State in Criminal Proceedings. This certificate is in full compliance with the said Uniform Act.

WITNESS, the Honorable Sharon L. Prather of the 22nd Judicial Circuit of McHenry
County Illinois.


JUDGE SHARON L. PRATHER

STATE OF ILLINOIS)
)
COUNTY OF MCHENRY)

I, KATHERINE M. KEEFE, Clerk of the 22nd Judicial Circuit Court in and for said
County, in the State of Illinois, do hereby certify that Sharon L. Prather, whose genuine signature
appears to the foregoing certificate, was at the time of the signing of the same, Judge of the 22nd
Judicial Circuit Court of said county duly commissioned and qualified; that full faith and credit
are and of right ought to be given to all her official acts as such in all Courts of Record
elsewhere.

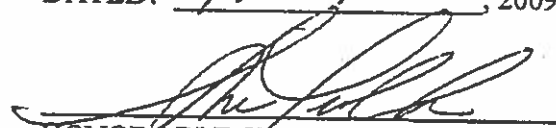
DATED: OCT 14 2009

CLERK OF THE CIRCUIT COURT

(SEAL OF THE COURT)

BY: Pas
DEPUTY

STATE OF ILLINOIS)
COUNTY OF MCHENRY)

I, SHARON L. PRATHER, Judge of the 22nd Judicial Circuit in and for said McHenry
County, do hereby certify that KATHERINE M. KEEFE, whose name is subscribed to the
foregoing Certificate of Attestation, now is and was at the time of the signing and sealing the
same, Clerk of the 22nd Judicial Circuit Court of McHenry County aforesaid, and, keeper of the
records and Seal thereof, duly elected and qualified to office; that full faith and credit are and of
right ought to be given to all his official acts as such in all courts of record and elsewhere; and
that his attestation is in due form of law, and by the proper officer.

DATED: 10-14, 2009

HONORABLE SHARON L. PRATHER

(SEAL OF COURT)

IN THE CIRCUIT COURT OF MARICOPA COUNTY, ARIZONA

STATE OF ILLINOIS

VS.

_____, A MATERIAL WITNESS

VS. _____

07 CF 224

* Affidavit and
Request (petition or
motion) may all
be the same document
as long as it is a
sworn document.


AFFIDAVIT OF WITNESS MATERIALITY

RYAN W. BLACKNEY, ASSISTANT STATE'S ATTORNEY, for the State of ILLINOIS,
moves the Court for an Order directing _____ to appear and show cause, if there be
any, why this Court should not issue a summons directing her to appear in the Circuit Court of McHenry
County, Illinois, on the 26th - 30th days of October, 2009, at 10:00a.m. to testify in STATE OF ILLINOIS

vs. _____

This motion is based on Act 453 of 1977, the Uniform Act to Secure Attendance of witnesses
From Without A State in Criminal Proceedings, and upon the certificate of the Honorable SHARON L.
PRATHER, Judge of the Circuit Court of the 22nd Judicial Circuit (copy attached hereto), a Court of
record of the State of Illinois, which, by its laws, has made provisions for commanding persons within
that State to attend and testify in this State, and has there pending a criminal case entitled: State of
Illinois vs. _____. This certificate is based on the Request and Application for Out of State Witness
Subpoena filed by myself and attached hereto.

Respectfully Submitted,

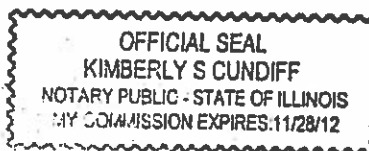


RYAN W. BLACKNEY
Attorney for McHenry County, State of Illinois

Subscribed & Sworn to before me this
14th day of October, 2009.



NOTARY PUBLIC



IN THE CIRCUIT COURT OF TANEY COUNTY, MISSOURI

IN RE:)

Homicide of _____)
)
)
)

FILED
2013 FEB 26 PM 3:28
CLERK
TANEY COUNTY, MISSOURI

PETITION AND AFFIDAVIT OF MATERIALITY FOR ATTENDANCE OF OUT-OF-STATE WITNESS

COMES NOW the undersigned Prosecuting Attorney for the County of Taney, State of Missouri, pursuant to the provisions of the Missouri Revised Statutes, Sections 491.420 and 491.430, hereby reports and certifies as follows:

1. _____ was killed on or between February 22, 2013 and February 25, 2013 in Branson, Taney County, Missouri.

2. Missouri Revised Statute 56.085 gives the Prosecuting Attorney the power to request an associate circuit judge to issue a subpoena to any witness who may have information regarding a criminal investigation.

3. Wells Fargo Bank, a corporation with locations all throughout the country, is a necessary and material witness for the investigation into the homicide of _____, as the suspect in the investigation has access to that bank account and may be using the funds within it to travel and escape the State's jurisdiction, and only Wells Fargo Bank would have access to such banking records kept in the ordinary course of business.

4. The witness will be provided with all necessary expenses as required under the Revised Statutes of Missouri, including reasonable expenses for the production of documents.

5. That when said witness comes into the State of Missouri pursuant to this request, the laws of the State of Missouri and any other State through which said witness may be required to pass by the ordinary course of travel to comply with said subpoena give him protection from

ENDORSED

FILED
SUPERIOR COURT OF CALIFORNIA

OCT 11 2012

COUNTY OF TENNESSEE, CRIMINAL DIVISION
GINA BETTER, CLERK OF THE COURT

STAGI MCKENZIE

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF TEHAMA, CRIMINAL DIVISION

THE PEOPLE OF THE STATE OF
CALIFORNIA.

Plaintiff,

VS.

Defendant Name

Defendant.

Case No.: _____

**AFFIDAVIT FOR ISSUANCE
OF CERTIFICATE FOR
ATTENDANCE OF WITNESS
OUTSIDE THE STATE**

I, AUBREY R. ALVEY, hereby certifies, deposes and says:

That I am a Deputy District Attorney for the County of Tehama. That an Information was filed in the Superior Court of the State of California, County of Tehama, charging the Defendant, _____ with the following criminal violations:

COUNT 1:	PC288(a) PC801.1(a)	Felony	LEWD ACT UPON A CHILD SPEC ALLEG-STATUTE-MINOR VICTIM, PROSECUTION COMMENCED BEFORE AGE OF 28 YEARS
	PC667.61(b)/(e)		SPEC ALLEG- SEX CRIMES - AGGRAVATED CIRCUMSTANCES

COUNT II:	PC288(a) PC801.1(a) PC667.61(b)/(e)	Felony	LEWD ACT UPON A CHILD SPEC ALLEG-STATUTE-MINOR VICTIM, PROSECUTION COMMENCED BEFORE AGE OF 28 YEARS SPEC ALLEG- SEX CRIMES - AGGRAVATED
-----------	---	--------	--

1 That said matter is set for trial on October 31, 2012, at 9:00 a.m. That ^{Name of}
2 minor, DOB: DOB, who resides at: _____ has personal ^{minor (a}
3 knowledge of facts surrounding the crime, is the victim in our case and can give testimony which ^{witness)}
4 is material. The minor witness shall be accompanied by her parent or guardian, Parent name
5 Our office has been in contact with said parent/guardian and he is aware of this court date and
6 subpoena. He is cooperative and for prosecution of this case.
7

8 I declare under penalty of perjury that the foregoing is true and correct. Executed on
9 October 11, 2012, at Red Bluff, California.

10 
11 AUBREY R. ALVEY,
12 Deputy District Attorney
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UNIVERSITY OF CALIFORNIA

OCT 11 2012

BY STAB MCKENZIE CITY

COUNT I:	PC288(a) PC801.1(a)	Felony	LEWD ACT UPON A CHILD SPEC ALLEG-STATUTE-MINOR VICTIM, PROSECUTION COMMENCED BEFORE AGE OF 28 YEARS
----------	------------------------	--------	---

1 PC667.61(b)/(e)

SPEC ALLEG- SEX CRIMES - AGGRAVATED
CIRCUMSTANCES

2 COUNT II:

PC288(a)
PC801.1(a)

Felony

LEWD ACT UPON A CHILD
SPEC ALLEG-STATUTE-MINOR VICTIM,
PROSECUTION COMMENCED BEFORE AGE OF 28 YEARS
SPEC ALLEG- SEX CRIMES - AGGRAVATED

3 That ^{Minor}~~Witness~~ ^{Name} (a minor - DOB:) along with her Parent/Guardian, *Name of Parent*

4 reside at _____ That

5 — (a minor) has personal knowledge of facts surrounding the crime, is the victim in our
6 case, and can give testimony which is material.

7 That _____ (a minor) is a material witness in the prosecution of said case and will be
8 required for a period of at least one day. That _____ shall accompany said minor witness
9 during travel in compliance with this Certificate and/or Subpoena. That if said witness in
10 obedience to any subpoena directing her to attend and testify in said prosecution, along with
11 _____ as parent/guardian of said minor witness, shall come into the State of California,
12 they shall not, while in this State pursuant to the subpoena or order, be subject to arrest or service
13 of process, criminal or civil, in connection with matters which arose before their entrance into
14 this State under the subpoena.

15 If the witness is subpoenaed to attend and testify in this State she shall be tendered the
16 sum of ten cents for each mile necessarily traveled, if the witness elects surface travel, or the
17 minimum round trip airfare plus twenty cents a mile for necessary surface travel at either end of
18 the flight if the witness elects air travel, and a per diem of \$20.00 for each day that she is
19 required to travel and attend as a witness.

20 That the Superior Court of the State of California, County of Tehama, is a Court of
21 Record; that this Certificate is for the purpose of securing a subpoena compelling said minor
22
23
24
25

1 witness, _____, to appear and testify in the Superior Court of the State of California, County
2 of Tehama, in the above-entitled case, on October 31, 2012 at 9:00 a.m.

OCT 11 2012

3 Dated: _____
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Jonathan W. Skillman
JUDGE OF THE SUPERIOR COURT

arrest or the service of process, civil or criminal, in connection with matters which arose prior to his entrance to said state pursuant to this request.


6. The following records are being requested: All account opening paperwork, account holder information, statements, and individual credit/debit items on the account listed below. The names and account numbers regarding the relevant account are as follows: _____

_____. The documentation should show any and all activity for the period from December 1, 2012 to current date.

7. In lieu of personal appearance, the requested records may be produced and sent to the Taney County Prosecuting Attorney's Office, PO Box 849, Forsyth, Missouri 65653, along with a business records affidavit. Otherwise, it will be necessary for said witness, a records custodian or other authorized agent, to appear personally on Friday, March 29, 2013 at 12:00 p.m., at the Taney County Judicial Center, located at 266 Main Street, Forsyth, MO 65653.

8. That this certificate is made for the purpose of being presented to a judge of a Court of Record in the County of Maricopa, Arizona where Wells Fargo currently conducts business, upon proceedings to compel said Wells Fargo Bank to attend and testify for the purposes of the State's criminal investigation into the homicide of _____.

JEFFREY M. MERRELL
Prosecuting Attorney of the County of
Taney, State of Missouri, by

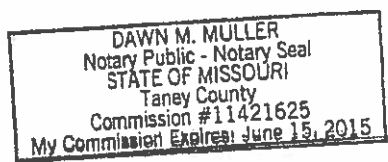

JEFFREY M. MERRELL
Prosecuting Attorney
County of Taney, State of Missouri
Missouri Bar #46206

On the 21st day of February, 2013, the above was subscribed and sworn to before me, a notary public.

Dawn M Muller

Notary Public

My commission expires: June 15, 2015



IN THE CIRCUIT COURT OF TANEY COUNTY, MISSOURI

IN RE:)

Homicide of _____)

FILED
2013 FEB 26 PM 3:28
CLERK
TANEY COUNTY, MISSOURI

CERTIFICATE IN SUPPORT OF REQUEST
FOR ATTENDANCE OF OUT-OF-STATE WITNESS

TO: THE HONORABLE TONY W. WILLIAMS OF THE CIRCUIT COURT OF TANEY COUNTY MISSOURI

The undersigned Prosecuting Attorney for the County of Taney, State of Missouri, pursuant to provisions of the Missouri Revised Statutes, Sections 491.420 and 491.430, hereby reports and certifies as follows:

1. _____ was killed on or between February 22, 2013 and February 25, 2013 in Branson, Taney County, Missouri. The case is currently under investigation by the Branson Police Department.

2. Missouri Revised Statute 56.085 gives the Prosecuting Attorney the power to request an associate circuit judge to issue a subpoena to any witness who may have information regarding a criminal investigation.

3. Wells Fargo Bank, a corporation with locations all throughout the country, is a necessary and material witness for the investigation into the homicide of _____, as the suspect in the investigation has access to that bank account and may be using the funds within it to travel and escape the State's jurisdiction, and only Wells Fargo Bank would have access to such banking records kept in the ordinary course of business.

4. The witness will be provided with all necessary expenses as required under the Revised Statutes of Missouri, including reasonable expenses for the production of documents.

5. That when said witness comes into the State of Missouri pursuant to this request, the laws of the State of Missouri and any other State through which said witness may be required

to pass by the ordinary course of travel to comply with said subpoena give him protection from arrest or the service of process, civil or criminal, in connection with matters which arose prior to his entrance to said state pursuant to this request.

6. The following records are being requested: All account opening paperwork, account holder information, statements, and individual credit/debit items on the account listed below. The names and account numbers regarding the relevant account are as follows: _____

_____. The documentation should show any and all activity for the period from December 1, 2012 to current date.

7. In lieu of personal appearance, the requested records may be produced and sent to the Taney County Prosecuting Attorney's Office, PO Box 849, Forsyth, Missouri 65653, along with a business records affidavit. Otherwise, it will be necessary for said witness, a records custodian or other authorized agent, to appear personally on Friday, March 29, 2013 at 12:00 p.m., at the Taney County Judicial Center, located at 266 Main Street, Forsyth, MO 65653.

8. All contents and information contained within the Petition and Affidavit of Materiality for Attendance of Out-Of-State Witness are incorporated by reference herein.

9. That this certificate is made for the purpose of being presented to a judge of a Court of Record in the County of Maricopa, Arizona where Wells Fargo currently conducts business, upon proceedings to compel said Wells Fargo Bank to attend and testify for the purposes of the State's criminal investigation into the homicide of _____

Executed this the 26 day of February, 2013.

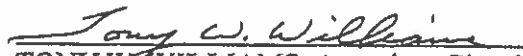
I declare under penalty of perjury that the foregoing is true and correct.

JEFFREY M. MERRELL
Prosecuting Attorney of the County of
Taney, State of Missouri, by



JEFFREY M. MERRELL
Prosecuting Attorney
County of Taney, State of Missouri
Missouri Bar #46206

Sworn and subscribed to me under oath.



TONY W. WILLIAMS, Associate Circuit Judge
38th Judicial Circuit
State of Missouri

OUT-OF-STATE WITNESS TIP SHEET

*****For Help, call Ann Pearson, 602-506-7422*****

1. Contact the District Attorney where the witness lives and ask about their requirements.
2. Petition and Affidavit can be one document as long as it is sworn and notarized.
3. Petition & judge's certification must contain all elements, they should mirror each other.
4. Cite the statute for both states in both the petition and the judge's certification.
5. Include what the defendant has been charged with.
6. Include why the witness is material, i.e. victim, eyewitness, etc.
7. Date of the trial
8. Beginning and ending dates the witness is needed. Judges will only allow the witness to be gone for 3 days to prevent a hardship (5 days may include the travel days)
9. Address of our court where the witness will appear.
10. Statutory language about travel, lodging and per diem expenses (A.R.S. 13-4093(C))
11. Statutory language about protection from arrest and service of civil process (A.R.S. 13-4094)
12. At least 2 certified copies of the petition and judge's certification. Certified copies contain the "Seal of the Court". No exemplification is necessary unless other state requires it.
13. If only records are needed, include standard subpoena duces tecum language. Be specific. Records should be sent directly from the Custodian of Records to your DCA.
14. Provide a letter suitable to give to the witness giving him/her instructions on who to call for travel arrangements.
15. Provide a cover letter to the other state with the witness' name, address, DOB, SSN, SIN/FBI number if applicable, and a photo. Provide as much information as possible. **Put this information in the letter only – NOT in the petition or judge's certification.**
16. Send your request with as much lead time as possible – usually a minimum of 3 weeks is required. Last minute requests are not guaranteed to be fulfilled.
17. Offer to e-mail a draft of your documents to the other state for review before getting them signed by your DCA and judge. This will make sure they are compliant with what the other state requires.

**UNIFORM ACT TO SECURE THE ATTENDANCE OF WITNESSES FROM WITHOUT A
STATE IN CRIMINAL PROCEEDINGS**

LIST OF STATE STATUTES

STATE	STATUTE
Alabama	Code 1975, §§12-21-280 to 12-21-285
Alaska	AS 12.50.010 to 12.50.080
Arizona	A.R.S. §§13-4091 to 13-4096
Arkansas	A.C.A. 16-43-402 to 16-43-409
California	West's Cal. Pn. Code §§1334 to 1334.6
Colorado	C.R.S. 16-9-201 to 16-9-205
Connecticut	C.G.S.A. §§54-82i
Delaware	11 Del.C. §§3521 to 3526
District of Columbia	D.C. Code 1981, §§23-1501 to 23-1504
Florida	West's F.S.A. §§942.01 to 942.06
Georgia	O.C.G.A. §§24-13-90 to 24-13-97
Hawaii	HRS §§836-1 to 836-6
Idaho	I.C. §§ 19-3005
Illinois	ILCS Chapter 725 §220/1 to 220/6
Indiana	West's A.I.C. 35-37-5-4 to 35-37-5-9
Iowa	I.C.A. §§819.1 to 819.5
Kansas	K.S.A. 22-4201 to 22-4206
Kentucky	KRS 421.230 to 421.270
Louisiana	LSA-C.Cr.P. arts. 741 to 745
Maine	15 M.R.S.A. §§1411 to 1415

Maryland	Cts Jud Pros, §§9-301 to 9-306
Massachusetts	M.G.L.A. c. 233, §§13A to 13D
Michigan	M.C.L.A. §§767.91 to 767.95
Minnesota	M.S.A. §§634.06 to 634.09
Mississippi	Code 1972, §§99-9-27 to 99-9-35
Missouri	V.A.M.S. §§491.400 to 491.450
Montana	MCA 46-15-112 to 46-15-120
Nebraska	R.R.S. 1943, §§29-1906 to 29-1911
Nevada	N.R.S. 174.395 to 174.445
New Hampshire	RSA 613:1 to 613:6
New Jersey	N.J.S.A. 2A:81-18 to 2A:81-23
New Mexico	NMSA 1978, §§31-8-1 to 31-8-6
New York	Criminal Procedure Law §§640.10
North Carolina	G.S. §§15A-811 to 15A-816
North Dakota	NDCC 31-03-25 to 31-03-31
Ohio	R.C. §§2939.25 to 2939.29
Oklahoma	22 Okl. St. Ann. §§721 to 727
Oregon	ORS 136.623 to 136.637
Pennsylvania	42 Pa.C.S.A. §§5961 to 5965
Puerto Rico	34 L.P.R.A. §§1471 to 1475
Rhode Island	Gen. Laws 1956, §§12-16-1 to 12-16-13
South Carolina	Code 1976, §§19-9-10 to 19-9-130
South Dakota	SDCL 23A-14-1 et seq.
Tennessee	T.C.A., §§40-17-201 to 40-17-210

Texas	Vernon's Ann. Texas C.C.P. art. 24.28
Utah	U.C.A. 1953, 77-21-1 to 77-21-5
Vermont	13 V.S.A. §§6641 to 6649
Virgin Islands	5 V.I.C. §§3861 to 3865
Virginia	Code 1950, §§19.2-272 to 19.2-282
Washington	West's RCWA 10.55.010 to 10.55.130
West Virginia	Code, 62-6A-1 to 62-6A-6
Wisconsin	W.S.A. 976.02
Wyoming	W.S. 1977, §§7-11-404 to 7-11-406

Fax # (602) 506-7530

DATE

DA's OFFICE
Attn: CONTACT
FAX:
E-MAIL

As per our telephone conversation today, I am sending you this letter outlining the necessary documents needed before we can proceed with your request for subpoena service. Below is the letter that I send to all agencies requesting assistance with out-of-state witnesses, per our Deputy County Attorney in the Appeals/Extraditions Bureau. **Please follow these instructions carefully. Failure to comply with these instructions will result in a delay in processing your request.**

Please call me if you have any questions. Thanks.

Ann M. Pearson, CP

Normally, **4 WEEKS** is the minimum time needed to accommodate an agency's request, due to court calendar scheduling, availability of detectives to assign these cases to, and other factors which must be accommodated to successfully comply with the requests.

Below is an outline of the required documents that are necessary for our office to facilitate your request.

Please send TWO (2) CERTIFIED COPIES of each:

-Petition and Affidavit of Witness Materiality – The Petition is made by the prosecutor and submitted to the Judge of the requesting state. The prosecutor is usually the affiant on the sworn (notarized) affidavit. The document must contain sufficient facts succinctly stated as to why the particular witness is material. It resembles a written offer of proof. It should specify, among other things, that a case is pending (type of case; murder, rape, kidnap, etc.) and that the named witness is needed for specific dates (**Arizona's Judges will only send a witness if they are needed for 3 days or less**). **It should be conformed certified copies or a duplicate original and filed with your Clerk's office.**

-Judge's Certificate – The Certificate must specify among other things, that a case is pending (type of case; murder, rape, kidnap, etc.) and that the named witness is needed for specific dates (**Arizona's Judges will only send a witness if they are needed for 3 days or less**). It must also recite that the Affidavit of Materiality is incorporated in the Judge's Certificate, as well as the language saying that the witness entering the requesting state will be held harmless to any pending criminal or civil process or suit. **This shall also be a conformed certified copy filed with your Clerk's office.**

-Witness Letter – Suitable to give to the witness. The letter should be addressed to the witness (name, address, etc.) and specify the dates the witness will be needed to testify. The letter should state that any and all expenses for the witness will be provided by the requesting state and list the person to contact for flight arrangements, room and board, travel expenses, etc. Our Judges request that an itinerary accompany this letter, if possible.

-Cover letter – Addressed to the Investigations Division stating your request, date of court, witness name, address, etc., as well as, DOB, SS# and physical description, if available. **This information should not be included in the documents that get filed with the court, as it then becomes public record. Any and all information or history of contact with the witness (reluctant or not) will be helpful for the detectives.**

Once we receive these documents, we can proceed with the Out-of-State Witness request. Our office will type and prepare all the necessary additional documents that our courts require.

If you have any further questions, please contact me at (602) 506-7615. Your cooperation in this matter is very much appreciated.

Sincerely,

Ann M. Pearson, CP
Paralegal
Maricopa County Attorney's Office
Appeals/Extraditions Bureau

Please overnight documents via FedEx or UPS to:

**Maricopa County Attorney's Office
Attn: Ann M. Pearson
Appeals/Extraditions
301 W. Jefferson, 2nd Floor
Phoenix, AZ 85003
Tele: (602) 372-2995
Fax: (602) 506-7530
E-mail: pearsona@mcao.maricopa.gov**